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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,346	09/30/2003	Jung-Tao Liu	LIU-25/2100.004100	5774

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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,346	LIU, JUNG-TAO	
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-14 and 16-17* is/are rejected.

7)☒ Claim(s) *7 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/20/2006 have been fully considered but they are not persuasive. Claims 1-21 are currently pending. Claims 1-17 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanno et al. (U.S. 6078572).

Regarding claim 1, Tanno et al. disclose a method, comprising: determining timing associated with a first channel (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25); receiving a grant signal permitting transmission of information over a second channel (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25); and transmitting information over the second channel at a time related to the timing of the first channel and a time at which the grant signal is received (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25).

Regarding claim 2, Tanno et al. disclose all the limitation in claim 1. Further, Tanno et al. disclose a method wherein transmitting information over the second channel further comprises transmitting information over the second channel at a time near a preselected target time while maintaining substantial orthogonality with the timing of the first channel (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25).

Regarding claim 3, Tanno et al. disclose all the limitation in claim 2. Further, Tanno et al. disclose a method wherein transmitting information over the second channel at a time near a preselected target time further comprises transmitting information over the second channel at a time near a preselected period of time after receiving the grant signal (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25).

Regarding claim 4, Tanno et al. disclose all the limitation in claim 1. Further, disclose a method wherein transmitting information over the second channel further comprises transmitting information over the second channel a preselected duration of time after the timing associated with the first channel (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25).

Regarding claim 8, Tanno et al. disclose all the limitation in claim 1. Further, Yonemoto et al. disclose a method wherein receiving the grant signal further comprises receiving a grant signal from a base station (node B) permitting transmission of information by a mobile device over the second channel (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25).

Regarding claim 9, Tanno et al. disclose all the limitation in claim 1. Further, Yonemoto et al. disclose a method wherein determining timing associated with the first channel further comprises determining timing associated with a first channel used to transmit information from a mobile device to a base station (fig. 1 to fig. 2, col. 6, line 32 to col. 7, line 25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5-6, 10-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanno et al. (U.S. 6078572) in view of Yonemoto et al. (U.S. 6298239)

Regarding claim 5, Tanno et al. disclose all the limitation in claim 4. However, Tanno et al. do not disclose a method wherein transmitting information over the second channel a preselected duration of time after the timing associated with the first channel further comprises determining the preselected duration of time by multiplying a variable (m) times a constant, wherein the constant is related to the timing of the first channel.

In the same field of endeavor, Yonemoto et al. disclose a method wherein transmitting information over the second channel a preselected duration of time after the timing associated with the first channel further comprises determining the preselected duration of time by multiplying a variable (m) times a constant, wherein the constant is related to the timing of the first channel (col. 11, lines 13-43 and col. 12, lines 10-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of Tanno et al. by specifically transmitting information over the second channel a preselected duration of time after the timing associated with the first channel further comprises determining the preselected duration of time by multiplying a variable (m) times a constant, wherein the constant is related to the timing of the first channel, as taught by Yonemoto et al., the motivation being in order to provide an information transmission control apparatus and an information reception apparatus for avoiding simultaneous transmission of a plurality of replies.

Regarding claim 6, the combination of Tanno et al. and Yonemoto et al. disclose all the limitation in claim 5. Further, Yonemoto et al. disclose a method wherein determining the preselected duration of time further comprises multiplying a variable (m) times a constant, wherein the constant is a portion of time associated with the timing of the first channel (col. 11, lines 13-43 and col. 12, lines 10-16).

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 9.

Reasons Subject Matter

6. Claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 7 and 15, the prior art record does not disclose nor fairly suggest a method wherein determining the preselected duration of time further comprises multiplying a variable (m) times a constant, **wherein the constant is about 10% of a period of time associated with the timing of the first channel.**

Response to Argument

7. Applicant, on page 2 and page 3 of his response, argues that Tanno fails to teach or suggest determining timing associated with a first channel and receiving a grant signal permitting transmission of information over a second channel, as set forth in independent claims 1 and 10; and Tanno also fails to teach or suggest transmitting information over the second channel at a time near a preselected target time while maintaining substantial orthogonality with the timing of the first channel, as set forth in independent claim 10. However, the Examiner disagrees. Tanno discloses a mobile station transmits transmission request signal to a base station. When the base station received transmission signal request from the mobile station, the base station transmits transmission permission which includes information showing the transmission timing and spreading code to ***the mobile station through the first channel and/or broadcast channel 20***. After receiving a grant signal permitting transmission, the mobile station waits for the delay time or the time shown by the indicated offset. When the delay time has elapsed the mobile station transmits the information data to ***the base station through the second channel and/or message channel 10B***. The applicant's attention is directed to the disclosure of the reference Tanno et al., Figure 1 to Figure 6, at column 6, line 32 to column 10, line 65.

Applicant used a particular words recited in the claim, e.g. ***"first channel" and "second channel"***. During patent examination, the pending claims must be given their broadest reasonable interpretation. In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541,

550- 51 (CCPA 1969). The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). See MPEP 2111.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 11-08-2006

DUC M. NGUYEN
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